IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1679 OF 2003
IN
INCOME TAX APPEAL LODGING NO. 560 OF 2003

The Commissioner of Income Tax,
Mumbai City-III, Aayakar Bhavan,
M.K. Road, Mumbai .. Appellant
V/s.
M/s. Kalpataru Construction P. Ltd.
111, Maker Chambers IV,
Nariman Point, Mumbai - 21. .. Respondents

Mr. R.V. Desai, Senior Advocate with Ms. S.V. Bharucha for the Appellant
Ms. V.B. Patel for the Respondents

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 22.02.2005

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondents. By this Notice of Motion, the Appellant is seeking condonation of 39 days delay in filing the above Appeal. For the reasons stated in the Affidavit in support of the Notice of Motion, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide, hence the Notice of Motion is made absolute in terms of prayer clause (a).

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)